

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM
Section 7: Village of Chama

Subfile No(s).

CHCV-002-0052

CHCV-003-0012

CHCV-006-0004

ORDER GRANTING DEFAULT JUDGMENT

THIS MATTER is before the Court upon the motion by the plaintiff, State of New Mexico, *ex rel.*, State Engineer's December 8, 2006 Motion for Default Judgment (Docket No. 8508). The Court, being fully advised, finds that the State's motion is well-taken and should be GRANTED.

The Court, being fully advised, finds:

1. The Court has jurisdiction of the parties and the subject matter herein.
2. The defendants named below have been legally served with process or have waived service of summons.
3. The defendants named below have failed to appear, answer, or otherwise defend in this cause, and are adjudged to be in default.
4. The State Engineer's hydrographic survey and report of the Rio Chama Stream System, Section 7, Village of Chama (July 31, 2003) relating to the defendants' water rights have been introduced into the record, and the same are hereby incorporated and made a part of this order.
5. The water rights of the defendants named below in the above-styled and captioned cause are as follows:

DONNIE CARILLO

Subfile No.: CHCV-002-0052

A. NO RIGHT (Surface Water Only)

Office of the State Engineer Files No(s) NONE

Priority:

Source of Water:

Purpose of Use: NO RIGHT

Point of Diversion:

Location and Amount of Acreage:

Within the Tierra Amarilla Grant	0.2 acres
Total	0.2 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCV-002-0052

Amount of Water: NONE

BETTY M. MARTIN

Subfile No.: CHCV-003-0012

A. IRRIGATION (Surface Water Only)

Office of the State Engineer Files No(s) 1974

Priority: Reserved for future determination by court order entered November 19, 2002.

Reserved for future determination by court order entered November 19, 2002.

Source of Water: M-B DITCH-RIO CHAMA: Surface water of the Rio Chama.

M-B DITCH-RIO CHAMITA: Surface water of the Rio Chama and the
Rio Chamita, a tributary of the Rio Chama

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: M-B DITCH-RIO CHAMA

Location: X= 1,546,909 feet **Y=** 2,155,273 feet

Ditch: M-B DITCH-RIO CHAMITA

Location: X= 1,540,798 feet **Y=** 2,149,302 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Within the Tierra Amarilla Grant	0.7 acres
Total	0.7 acres

As shown on the 2003 Hydrographic Survey Map CHCV- 3.

Amount of Water: Reserved for future determination by court order entered November 19, 2002.

LANCE LEYBA

Subfile No.: CHCV-006-0004

A. NO RIGHT (Surface Water Only)

Office of the State Engineer Files No(s) NONE

Priority: NONE

Source of Water:

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch: NONE

Location: X= 1,543,966 feet Y= 2,132,016 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Acreage:

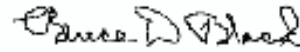
Within the Tierra Amarilla Grant	0.2 acres
Total	0.2 acres

As shown on the 2003 Hydrographic Survey Map CHCV- 6.

Amount of Water: NONE

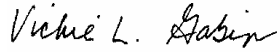
IT IS, THEREFORE, ORDERED that the above-named defendants be and hereby are, adjudicated to have the water rights set out hereinabove, subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

IT IS FURTHER ORDERED that the defendants, his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

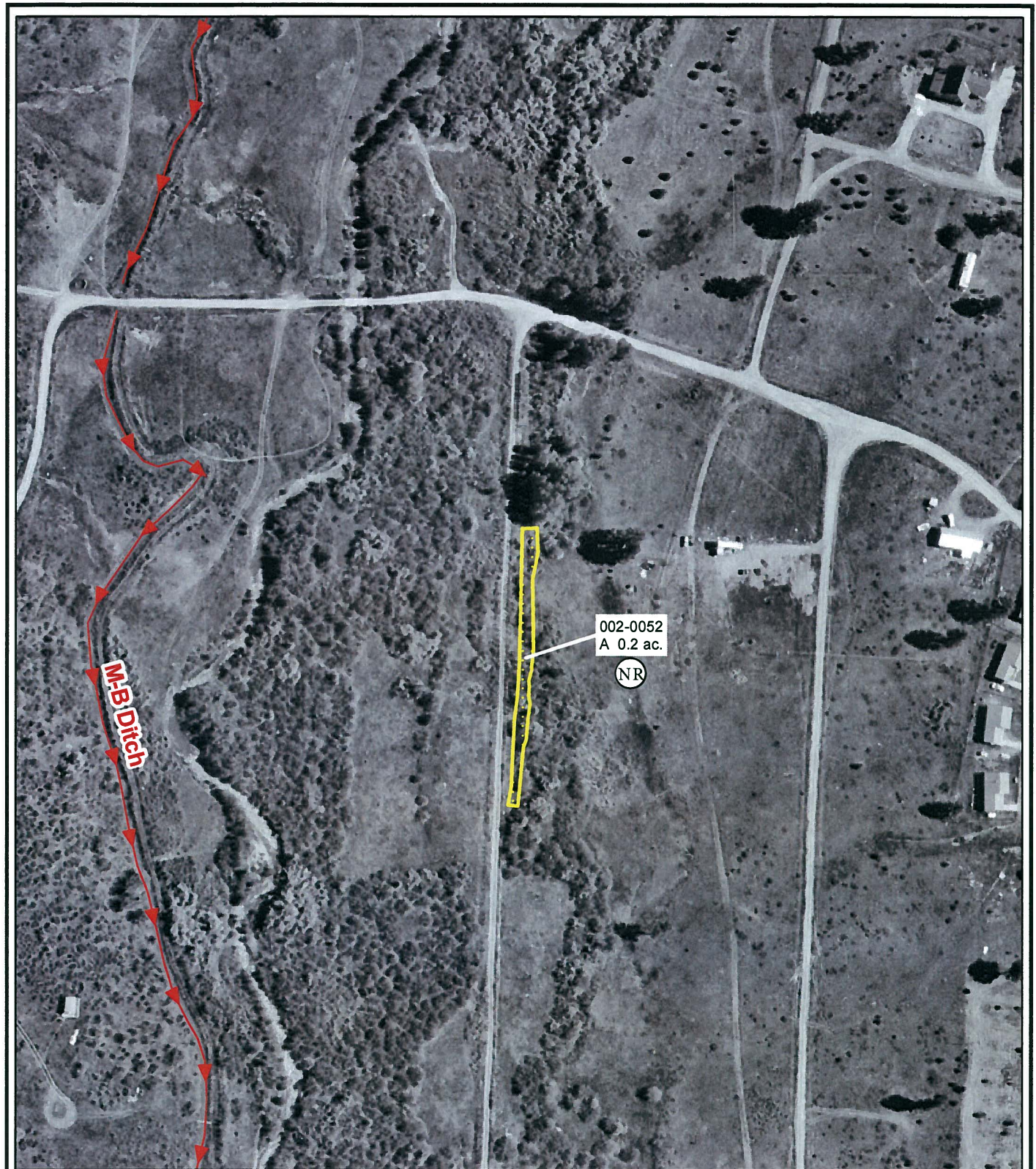


BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for approval:



SPECIAL MASTER



LEGEND

- | | |
|----------------------------|--------------------|
| Irrigated Tract Boundary | Point of Diversion |
| No Right Tract Boundary | Fallow |
| Seeped Land | No Right |
| Operable Ditch / Lateral | |
| Inoperable Ditch / Lateral | |
| Reservoir / Stock Pond | |



1 inch = 200 feet
 0 50 100 200
 Feet

STATE OF NEW MEXICO
 Office of the State Engineer
 John R. D'Antonio, Jr., P.E.,
 State Engineer

Rio Chama Hydrographic Survey
 Village of Chama Section

Subfile Number
CHCV 002-0052
 AMENDED
 November 7, 2005

